

IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

VONCILLE RICHARDSON

PLAINTIFF

VERSUS

PEARL RIVER VALLEY OPPORTUNITY, INC.
A MISSISSIPPI CORPORATION

CIVIL ACTION NO. 2015-02424

F I L E D
SEP 18 2015

DEFENDANT

COMPLAINT

JANETTE NOLAN, CIRCUIT CLERK

BY D.C.

COMES NOW Voncille Richardson by and through her attorney and brings this cause of action and suit for damages against the Defendant, Pearl River Valley Opportunity, Inc. (PRVO), a Mississippi Corporation, and would show the Court the following:

I.

Voncille Richardson is an adult resident citizen of Lamar County, Mississippi, residing at 108 N. 9th Street, Lumberton, MS 39455. That she was employed by the Defendant for more than thirty (30) years.

II.

That the Defendant, Pearl River Valley Opportunity, Inc. is a Mississippi non-profit corporation with offices in eighteen (18) counties in South Mississippi, but is headquartered in Columbia, Marion County, Mississippi, where process can be served on the Executive Director, Mr. Helmon Johnson, at the official corporate address of 756 Highway 98 Bypass, Columbia, MS 39429. Plaintiff hereby designates Carolyn Hillard, process server, as agent for service in this cause.

III.

That the Plaintiff worked for the Defendant for some thirty two (32) years, mostly as a cook, but some years in janitorial services in the Head Start program. That the Plaintiff was terminated when she reached seventy (70) years of age and was told her participation in the



403(b) fund was vested, but for some reason she has never been able to get the proper forms or necessary documentation to commence drawing her benefits. After several letters and phone calls, the Plaintiff's daughter, Mrs. Cora Rogers, drove her mother to the headquarters where they met with Mr. John E. Hales, director of the Head Start program, who failed to give them the necessary information. Not being satisfied, the Plaintiff contacted William L. Ducker, attorney, who called and spoke with certain office personnel, who informed him that Mrs. Richardson's position was not covered under the retirement insurance program. The attorney explained to Mrs. Richardson that it did not appear that Plaintiff was in fact vested in the retirement program of PRVO and unless the Plaintiff could produce some type of documentation , the attorney would close his file. Several months passed when the Plaintiff and her daughter Cora Rogers presented said attorney with the pay-stubs attached hereto as Exhibit "A" and made a part hereof as fully as if copied herein. The stubs clearly indicate monies withheld from Plaintiff's check to go into the retirement fund. Armed with this documentation the attorney wrote the Defendant on August 4, 2015, a copy of that letter is attached as Exhibit "B" and made a part hereof, requesting the necessary data from PERS. In a letter of explanation dated August 14, 2015, a copy of which is attached as Exhibit "C", Mr. Helmon Johnson wrote the attorney explaining that PRVO's retirement plan was an insurance 403(b) plan for non-profit corporations and not under the auspices of the State of Mississippi's retirement system known as PERS. On August 17, 2015, the attorney wrote back to the Defendant's Executive Director expressing his appreciation for the information and requesting the contact information for the person administering the Defendant's plan. A copy of said letter is attached as Exhibit "D". One week later the attorney wrote back to Mr. Helmon Johnson asking that the proper documentation be filed or the necessary materials be sent to him within one (1) week of the mailing date of that letter, August 25, 2015. A copy of

that letter is attached as Exhibit "E" and made a part hereof. Now, one (1) month later than the letter of August 17th and three (3) weeks after the demand on August 25th Plaintiff has not received any further response nor had any form of documentation delivered to her to file her retirement benefits.

IV.

That Exhibit "A" clearly demonstrates the Plaintiff participated in the Defendant's retirement plan. She is entitled to know the total amount she has paid into the plan and have her claim processed. Why the Defendant has played "dodge ball" with this request for approximately two (2) years is inexcusable beyond reason. Plaintiff Voncille Richardson is an elderly lady who needs any benefits she has coming. If for some reason she did not qualify for retirement benefits, a full explanation and refund of the monies held out of her check should have been made at the time of her original visit to PRVO headquarters. Plaintiff shows with Exhibit "A" she is owed money by the Defendant or its fiduciary and has made proper requests/demands without satisfaction.

V.

That Plaintiff alleges that she has been abused and maligned by her former employer and that the actions of the Defendant amount to deceit and the common law tort of trover for which damages are demanded.

VI.

That the Defendant has profited from Plaintiff's investment in their retirement plan for more than thirty five (35) years and the Defendant has neglected or refused to aid the Plaintiff in procuring her benefits and said actions constitute bad faith and require punitive damages to assure Plaintiff and the public that the Defendant will not discriminate against any other

employee as the Defendant has done to Voncille Richardson. That a fiduciary relationship existed between the parties and not only has the Defendant refused to provide Plaintiff the necessary documents to apply for her benefits, the PRVO officials refuse to acknowledge Plaintiff's interest in the retirement system. That the Defendant is guilty of conversion and PRVO, Inc. has wrongfully kept and used Plaintiff's monies for their own benefit since her retirement without even accounting to her for said funds.

WHEREFORE PREMISES CONSIDERED Voncille Richardson demands compensatory damages from the Defendant in the amount of her monthly contributions to the Defendant's retirement plan plus interest rate for the entire period of investment.

Plaintiff further demands judgment of and from the Defendant in the amount of one hundred thousand (\$100,000.00) dollars and all costs of Court accruing for the tort of trover and conversion.

Plaintiff further demands exemplary damages in the amount of one hundred thousand (\$100,000.00) dollars plus all costs of Court accruing herein for the bad faith actions of the Defendant in not providing accounting for what Plaintiff had in the retirement system and not only failing to aid her in obtaining her retirement benefits but also in keeping Plaintiff's retirement funds in their plan without paying her interest or principal.



William L. Ducker
Attorney for Plaintiff

WILLIAM L. DUCKER
Attorney at Law
P. O. Box 217
Purvis, MS 39475
MSB # 6201
601-794-8545
601-794-8546 Fax
E-mail: bill@duckerlawfirm.com

334 VONCILLE RICHARDSON		CURRENT	YR-TO-DATE	
DEPT: 00	SITE: 13	REGULAR	473.50	1420.50
SN#:	426-60-8927	OVERTIME	0.00	0.00
		GROSS PAY	473.50	1420.50
ANNUAL LV BAL	114.75	FICA WITHHELD	36.22	108.66
SICK LV BAL	690.38	FEDERAL	0.00	0.00
		STATE TAX	0.00	0.00
		LOCAL TAX	0.00	0.00
PERIOD: 02/15/93		TRAV INS	0.00	115.10
		AM FAM LIFE	6.63	19.89
		RETIREMENT	23.67	71.01
		PHIL AM INS	53.65	53.65
REGULAR HRS	77.00	NET PAY...	353.33	1052.19
OVERTIME HRS	0.00	EXPENSES	0.00	0.00
TOTAL HRS	77.00	TOTAL CHECK	353.33	1052.19

ARL RIVER VALLEY OPPORTUNITY, INC., Columbia, MS 39429
No.078267

334 VONCILLE RICHARDSON		CURRENT	YR-TO-DATE	
DEPT: 05	SITE: 13	REGULAR	472.62	1417.84
SN#:	426-60-8927	OVERTIME	0.00	0.00
		GROSS PAY	472.62	1417.84
ANNUAL LV BAL	139.50	FICA WITHHELD	32.92	98.76
SICK LV BAL	797.90	FEDERAL	24.09	72.27
		STATE TAX	0.00	0.00
		LOCAL TAX	0.00	0.00
PERIOD: 02/11/95		ACORDIA INS	0.00	0.00
		ACORDIA/CAFE	42.23	125.69
		AM FAM LIFE	6.63	19.89
		RETIREMENT	23.63	70.89
REGULAR HRS	70.00	NET PAY...	343.12	1029.34
OVERTIME HRS	0.00	EXPENSES	0.00	0.00
TOTAL HRS	70.00	TOTAL CHECK	343.12	1029.34

ARL RIVER VALLEY OPPORTUNITY, INC., Columbia, MS 39429
No.079742

334 VONCILLE RICHARDSON		CURRENT	YR-TO-DATE	
DEPT: 05	SITE: 13	REGULAR	472.62	2363.07
SN#:	426-60-8927	OVERTIME	0.00	0.00
		GROSS PAY	472.62	2363.07
ANNUAL LV BAL	139.50	FICA WITHHELD	32.92	164.60
SICK LV BAL	805.98	FEDERAL	24.09	120.45
		STATE TAX	0.00	0.00
		LOCAL TAX	0.00	0.00
PERIOD: 03/11/95		ACORDIA INS	0.00	0.00
		ACORDIA/CAFE	42.23	211.15
		AM FAM LIFE	6.63	33.15
		RETIREMENT	23.63	118.15
REGULAR HRS	70.00	NET PAY...	343.12	1715.57
OVERTIME HRS	0.00	EXPENSES	0.00	0.00
TOTAL HRS	70.00	TOTAL CHECK	343.12	1715.57

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093124

334 VONCILLE RICHARDSON	CURRENT	YR-TO-DATE
SEPT: 05 SITE: 13 REGULAR	496.16	992.32
SN#: 426-60-8927 OVERTIME	0.00	0.00
ANNUAL LV BAL 132.50 GROSS PAY	496.16	992.32
SICK LV BAL 864.63 FICA WITHHELD	34.73	72.69
PERIOD: 01/13/96 FEDERAL	49.22	104.78
	STATE TAX	0.00
	LOCAL TAX	0.00
	ACORDIA INS	0.00
	ACORDIA/CAFE	42.23
	AM FAM LIFE	6.63
REGULAR HRS 70.00 RETIREMENT	24.81	49.62
OVERTIME HRS 0.00 NET PAY...	338.54	716.37
TOTAL HRS 70.00 EXPENSES	0.00	0.00
	TOTAL CHECK	338.54
		716.37

Ex "A"

TELEPHONE (601) 794-8545

WILLIAM L. DUCKER

FACSIMILE (601) 794-8546

ATTORNEY AT LAW

P.O. BOX 217

PURVIS, MISSISSIPPI 39475

August 4, 2015

Pearl River Valley Opportunity
ATTN: Mr. Hillman Johnson, Director
756 US Hwy. 98
Columbia, MS 39429

Re: Voncille Richardson

Dear Mr. Johnson:

This lady and her daughter, Cora, have been attempting to find out about her retirement for a couple of years. I wrote your office a letter more than a year ago, and received a response that she was not a full time employee, and not subject to PERS. I accepted that information, and passed it on, to which the client took exception, and has not been back to see me until this past week when she came in with the documentation, which I now submit. Voncille said she worked for y'all for more than thirty (30) years, and I obviously am able to show that money was withheld from her check over at least a four (4) year period. Therefore, I believe it is now incumbent on PRVO to show us how much retirement she paid in, and what she would be entitled to on a monthly basis from PERS, or in the alternative provide me with paystubs from beginning to end showing that she does not qualify for retirement. Because of Voncille's age and the fact that this has been kicked around for at least two (2) years, I would appreciate a response with documentation from your office within fifteen (15) days of the mailing date of this letter.

Sincerely,


William L. Ducker

WLD/kwl

Enclosure.

Ex "B"



Pearl River Valley Opportunity, Inc.

Post Office Box 188 / 756 Hwy. 98 Bypass
Columbia, Mississippi 39429-0188
Voice: 601-736-9564 Fax: 601-736-6268
Website: www.prvoinc.org

Helmon Johnson
Executive Director

John E. Hales
Head Start Director

August 14, 2015

Mr. William L. Ducker
P. O. Box 217
Purvis, MS 39475

Dear Mr. Ducker:

We are in receipt of your letter dated August 4, 2015, concerning the retirement contributions of our former employee, Ms. Voncille Richardson.

PRVO's retirement plan is a 403(b) fund where PRVO matches up to 5% of an employee's contribution. The funds withheld from employee's payroll, along with the matching funds from PRVO, are submitted to the retirement insurance carrier every pay period and are 100% immediately vested in our employees accounts. PRVO has no ownership in the 403(b) fund and all withdrawals are submitted to the insurance company and the funds are paid directly to the employee.

PRVO is a private, non-profit corporation, and not a government entity, and therefore is not eligible to participate in the State of Mississippi's PERS program that you referred to in your letter.

Please let me know if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "HJ".

Helmon Johnson
Executive Director

Eve "C"

PRVO, Inc. does not discriminate on the grounds of race, religion, color, sex, familial status, age, national origin or handicap in any program or employment.

TELEPHONE (601) 794-8545

WILLIAM L. DUCKER
ATTORNEY AT LAW
P.O. BOX 217
PURVIS, MISSISSIPPI 39475

FACSIMILE (601) 794-8546

August 17, 2015

Pearl River Valley Opportunity, Inc.
Attn: Mr. Helmon Johnson
P.O. Box 188
Columbia, MS 39429

RE: Voncille Richardson

Dear Mr. Johnson:

I appreciate the information you sent regarding the above mentioned individual. Please provide me with the contact information for the person who handles the 403(b) plan for PRVO so that we can resolve this matter for Ms. Richardson. Please do not hesitate to contact this office if you have any questions.

Sincerely,

William L. Ducker
Attorney at Law

WLD/sld

Ex "D"

TELEPHONE (601) 794-8545

WILLIAM L. DUCKER

FACSIMILE (601) 794-8546

ATTORNEY AT LAW

P.O. BOX 217

PURVIS, MISSISSIPPI 39475

August 25, 2015

Pearl River Valley Opportunity, Inc.
Attn: Mr. Helmon Johnson
P.O. Box 188
Columbia, MS 39429

RE: Voncille Richardson

Dear Mr. Johnson:

I have received no response from my letter dated August 17, 2015. Perhaps there has been a misunderstanding regarding this matter. Please either file the proper paperwork with your retirement company for Ms. Voncille Richardson or forward me the necessary material to do so. We expect one of these to be done within one (1) week of the mailing of this letter.

Thank you for your attention to this matter.

Sincerely,

William L. Ducker /sld

William L. Ducker
Attorney at Law

WLD/sld

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IN THE CIRCUIT COURT OF MARION COUNTY, MISSISSIPPI

VONCILLE RICHARDSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2015-02424

PEARL RIVER VALLEY OPPORTUNITY, INC.
A MISSISSIPPI CORPORATION

DEFENDANT

SUMMONS

STATE OF MISSISSIPPI

COUNTY OF MARION

TO: Pearl River Valley Opportunity, Inc.
Mr. Helmon Johnson, President
756 Highway 98 Bypass
Columbia, MS 39429

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Hon. William L. Ducker, the attorney for the Plaintiff, whose address is P. O. Box 217, Purvis, MS 39475. Your response must be mailed or delivered within (30) days from the date of delivery of this Summons and Complaint or a Judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of the Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 18 day of
September, 2015.



CLERK

BY:

Jamessie Nelan
By: Lesley Lee DC